

## PUBLIC HEALTH DEPARTMENT[641]

### Notice of Intended Action

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 135.11, the Department of Public Health hereby gives Notice of Intended Action to rescind Chapter 192, “Child Support Noncompliance,” Iowa Administrative Code, and to adopt a new chapter with the same title.

This proposed new chapter makes the following changes to the language in the rescinded chapter: adds definitions and replaces the phrase “department or board” with the term “licensing authority.”

Any interested person may make written comments or suggestions on the proposed rules on or before April 13, 2010. Such written comments should be directed to Barb Nervig, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. E-mail may be sent to [bnervig@idph.state.ia.us](mailto:bnervig@idph.state.ia.us).

These rules are intended to implement Iowa Code chapter 252J.

The following amendment is proposed.

Rescind 641—Chapter 192 and adopt the following **new** chapter in lieu thereof:

### CHAPTER 192

### CHILD SUPPORT NONCOMPLIANCE

**641—192.1(252J) Definitions.** For the purpose of this chapter, the following definitions shall apply:

*“Applicant”* means an individual who is seeking the issuance of a license.

*“Certificate of noncompliance”* means a document provided by the child support recovery unit of the department of human services certifying that the named applicant or licensee has defaulted on an obligation owed to or collected by the child support recovery unit.

*“Department”* means the department of public health.

*“License”* means a license, certification, registration, permit, approval, renewal, or other similar authorization issued to a person by a licensing authority which evidences the granting of authority to engage in a profession, occupation, or business.

*“Licensing authority”* means a board, commission, or any other entity of the department which has authority within this state to suspend or revoke a license or deny the renewal or issuance of a license authorizing a person to engage in a business, occupation, or profession.

**641—192.2(252J) Issuance or renewal of a license—denial.** The licensing authority shall deny the issuance or renewal of a license upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the following shall apply.

**192.2(1)** The notice required by Iowa Code section 252J.8 shall be served upon the applicant or licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the applicant or licensee may accept service personally or through authorized counsel.

**192.2(2)** The effective date of the denial of the issuance or renewal of a license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service of the notice upon the applicant or licensee.

**192.2(3)** The licensing authority’s administrator is authorized to prepare and serve the notice required by Iowa Code section 252J.8, upon the applicant or licensee.

**192.2(4)** Applicants and licensees shall keep the licensing authority informed of all court actions, and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J, and shall provide the licensing authority copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

**192.2(5)** All licensing authority fees required for application, license renewal, or license reinstatement must be paid by applicants or licensees before a license will be issued, renewed, or reinstated after the licensing authority has denied the issuance or renewal of a license pursuant to Iowa Code chapter 252J.

**192.2(6)** In the event an applicant or licensee timely files a district court action following service of a licensing authority notice pursuant to Iowa Code sections 252J.8 and 252J.9, the licensing authority shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the denial of the issuance or renewal of a license, the licensing authority shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**192.2(7)** The licensing authority shall notify the applicant or licensee in writing through regular first-class mail, or such other means as the licensing authority determines appropriate in the circumstances, within 10 days of the effective date of the denial of the issuance or renewal of a license and shall similarly notify the applicant or licensee if the license is issued or renewed following the licensing authority's receipt of a withdrawal of the certificate of noncompliance.

**641—192.3(252J) Suspension or revocation of a license.** The licensing authority shall suspend or revoke a license upon the receipt of a certificate of noncompliance from the child support recovery unit of the department of human services according to the procedures set forth in Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the following shall apply.

**192.3(1)** The notice required by Iowa Code section 252J.8 shall be served upon the licensee by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rule of Civil Procedure 1.305. Alternatively, the licensee may accept service personally or through authorized counsel.

**192.3(2)** The effective date of the suspension or revocation of a license, as specified in the notice required by Iowa Code section 252J.8, shall be 60 days following service of the notice upon the licensee.

**192.3(3)** The licensing authority's administrator is authorized to prepare and serve the notice required by Iowa Code section 252J.8 and is directed to notify the licensee that the license will be suspended unless the license is already suspended on other grounds. In the event that the license is on suspension, the administrator shall notify the licensee of the licensing authority's intention to revoke the license.

**192.3(4)** Licensees shall keep the licensing authority informed of all court actions, and all child support recovery unit action taken under or in connection with Iowa Code chapter 252J, and shall provide the licensing authority copies, within 7 days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in such actions and withdrawals of certificates of noncompliance by the child support recovery unit.

**192.3(5)** All licensing authority fees required for license renewal or license reinstatement must be paid by licensees before a license will be reinstated after the licensing authority has suspended or revoked a license pursuant to Iowa Code chapter 252J.

**192.3(6)** In the event a licensee files a district court action following service of a licensing authority notice pursuant to Iowa Code sections 252J.8 and 252J.9, the licensing authority shall continue with the intended action described in the notice upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the licensing authority to proceed. For purposes of determining the effective date of the suspension or revocation, the licensing authority shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**192.3(7)** The licensing authority shall notify the licensee in writing through regular first-class mail, or such other means as the licensing authority determines appropriate in the circumstances, within 10 days of the effective date of the suspension or revocation of a license and shall similarly notify the licensee if the license is reinstated following the licensing authority's receipt of a withdrawal of the certificate of noncompliance.

**641—192.4(17A,22,252J) Sharing of information.** Notwithstanding any statutory confidentiality provision, the licensing authority may share information with the child support recovery unit of the department of human services through manual or automated means for the sole purpose of identifying applicants or licensees subject to enforcement under Iowa Code chapter 252J or Iowa Code chapter 598.

These rules are intended to implement Iowa Code chapter 252J.